

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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|                          |   |                             |
|--------------------------|---|-----------------------------|
| UNITED STATE OF AMERICA, | : | <b>NOTICE OF MOTION</b>     |
|                          | : | <b>TO SUPPRESS PHYSICAL</b> |
| - against                | : | <b>EVIDENCE</b>             |
| FALIKOU KONE,            | : | <b>08 CR 557 (SAS)</b>      |
| Defendant.               | : |                             |

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SIR OR MADAM:

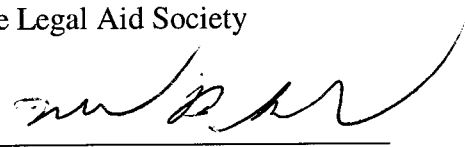
**PLEASE TAKE NOTICE** that upon the annexed Declaration of FALIKOU KONE and the annexed Memorandum of Law and Fact, the undersigned will move this Court, before the Honorable Shira A. Scheindlin at the United States Courthouse, 500 Pearl Street, New York, New York, on September 29, 2008, or as soon thereafter as counsel may be heard, for an ORDER suppressing physical evidence seized from the defendant pursuant to Rule 12 of the Federal Rules of Criminal Procedure, on the grounds that the evidence was obtained in violation of the defendant's rights under the United States Constitution, or, in the alternative, granting a hearing on the motion, and granting such other and further relief as appears just and proper.

Dated: New York, New York  
August 21, 2008

Respectfully submitted,

LEONARD F. JOY, ESQ.  
The Legal Aid Society

By:

  
**MARK B. GOMBINER, ESQ.**  
Attorney for Defendant  
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To: MICHAEL GARCIA, ESQ.  
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Attn.: **EDWARD KIM, ESQ.**  
Assistant United States Attorney